

REMARKS

Claims 1-10 are pending in the application.

In the Office Action of November 8, 2004, the specification was objected to and claims 1-10 were rejected.

In this response, the specification and claims 1-5 and 8-10 have been amended and claims 6 and 7 have been cancelled.

Objection to Specification:

The abstract of the disclosure was objected to because of its length. In response, the abstract has been amended.

The specification has also been amended as per the Examiner's request to correct informalities. On pages 37 and 38 of the specification, "Cu-Zn" was changed to "Cu-Sn". This corrects a typographical error made when translating Japanese priority application no. 2002-265952, which is incorporated in this application by reference. Therefore, no new matter is added by the amendments.

Applicant respectfully request this objection to be withdrawn.

§112 Rejections:

Claim 10 was rejected under 35 U.S.C. §112, first paragraph. Claim 10 has been amended as per the Examiner's request to overcome the rejection.

Claims 6 and 7 have been canceled.

Applicant respectfully requests these rejections to be withdrawn.

§102 Rejections:

Claims 1, 2, 3, 5 and 9 were rejected under 35 U.S.C. § 102(e) as being anticipated by Mizutani et al. (U.S. Publication No.: 2004/0023119). Claims 1, 2, 4, 6 and 9 were rejected under 35 U.S.C. §102(e) as being anticipated by Tamura et al. (U.S. Publication No.: 2003/0108795). Applicant respectfully traverses these rejections.

Independent claim 1 as amended, recites a non-aqueous electrode battery comprising cathode containing a cathode active material and a cathode substrate; an anode including an anode substrate and, as an anode active material, one or more thin film layer(s) containing a first metal that may be alloyed with lithium, said thin film layer(s) being formed by a thin

film forming technique, said anode containing one or more of a second metal not alloyed with lithium, a third metal that may be alloyed with said second metal, a fourth metal not alloyed with said second metal, and a carbonaceous material capable of doping/undoping lithium ions; and a non-aqueous electrolyte containing an electrolyte salt; wherein the anode substrate is a high molecular weight polymer comprising one or more of a sulfur-containing resin, a nitrogen-containing resin, polyester, cellulose triacetate, Mylar, and polycarbonate.

Applicant respectfully submits that Mizutani et al. and Tamura et al. do not teach a non-aqueous electrode battery comprising an anode active material and an anode substrate wherein the anode substrate is a high molecular weight polymer comprising one or more of a sulfur-containing resin, a nitrogen-containing resin, polyester, cellulose triacetate, Mylar, and polycarbonate. Mizutani et al. discloses that a battery comprising a positive electrode which has a positive electrode, a negative electrode, and a thin film layer containing at least one element from Group 14 which mainly of Silicon (Si) and Tin (Sn) compound. (Col. 3, paragraph 0027 and 0028). It does not, however, disclose or even suggest a non-aqueous electrode battery comprising an anode active material and an anode substrate wherein the anode substrate is a high molecular weight polymer comprising one or more of a sulfur-containing resin, a nitrogen-containing resin, polyester, cellulose triacetate, Mylar, and polycarbonate, as required by claim 1.

Also, Tamura et al. discloses that a lithium battery with a thin-film layer consisting of a metal alloying with lithium (Li) on a substrate with an interlayer that is selected from Si, Ti, Zr, Ge, Ru, Mo, W and their oxides, nitrides and carbides. (Col. 3, paragraph 0040). It does not, however, disclose or even suggest a non-aqueous electrode battery comprising an anode active material and an anode substrate wherein the anode substrate is a high molecular weight polymer comprising one or more of a sulfur-containing resin, a nitrogen-containing resin, polyester, cellulose triacetate, Mylar, and polycarbonate, as required by claim 1. Thus, neither Mizutani et al. and Tamura et al. anticipate or render obvious claim 1.

Claims 2, 3, 5 and 9 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reason that claim 1 are allowable.

§103 Rejections

Claims 6 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tamura et al. in view of Skotheim et al. (U.S. Publication No.: 2002/0012846). Claims 6 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani et al. in view of

Skotheim et al. Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Tamura et al. in view of Skotheim et al. and further in view of Hitachi Maxell (JP 48-061944). Claim 7 was further rejected under 35 U.S.C. §103(a) as being unpatentable over Mizutani et al. in view of Skotheim et al. and further in view of Hitachi Maxell. Applicants respectfully traverses these rejections.

All rights and title to the present application and Mizutani et al., were, at the time the invention was made, owned by Sony Corporation or subject to an obligation to assignment to Sony Corporation, assignee of the present application.


Accordingly, Mizutani et al. is disqualified from being used in a rejection under 35 U.S.C. § 103(a) against the claims of the present Application.

Applicants' claims 8-9 are allowable over Tamura et al. as discussed above. Claims 8 and 9 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reason that claim 1 are allowable.

In view of the foregoing, it is submitted that the pending claims 1-5 and 8-10 are patentable over the references cited by the Examiner. Further, all of the Examiner's rejections have been addressed herein. It is, therefore, submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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